



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,864	07/24/2001	Ryan Burkhardt	MS#155706.1 (4931)	6214

321 7590 04/07/2005

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER

SURYAWANSHI, SURESH

ART UNIT	PAPER NUMBER
----------	--------------

2115

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/912,864	Applicant(s) BURKHARDT ET AL.	
	Examiner Suresh K Suryawanshi	Art Unit 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/17/05 amendments.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/01/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-56 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halladay (US Patent No 5,713,024) in view of Chrabaszcz et al (US Patent No 6,138,179).

4. As per claim 1, Halladay discloses

providing a user with access to a text-based script [col. 4, lines 21-25; event log script file; col. 8, lines 14-15; auto_exec.bat script file];

booting a computer from a reduced operating system image on a computer readable medium [col. 8, lines 25-37; boot floppy disk]; and

Art Unit: 2115

performing one or more functions on the computer according to the user-customized, text-based script [col. 8, lines 37-49; performing disk format operation and populating the hard drive with all the application programs].

Halladay does not expressly disclose that the provided script files, event log and auto_exec.bat, are text editable. But, a routineer in the art would know that it is well known that autoexec.bat script file or config.sys script file or event log script file is text editable. However, Chrabaszcz et al clearly disclose that a system operator usually modifies the startup configuration of the system by entering appropriate commands and text into the autoexec.bat and config.sys files [col. 2, lines 25-28]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed towards a fast and simple method and system for automatically configuring a computer system and installing application programs. Moreover, by having a text editable installation script, a user will be able to easily modify the installation script in case there is a change in the system configuration. If there is a change in the system configuration, such as addition or deletion of hardware(s), previously created installation script will lack the system change and probably fails in booting the system. Thus, it is clearly advantageous to have a text editable installation script that can be modified if needed.

5. As per claim 23, Halladay discloses

a text-based script [col. 4, lines 21-25; event log script file; col. 8, lines 14-15; auto_exec.bat script file];

means for booting a computer from a reduced operating system image on a computer readable medium [col. 8, lines 25-37; boot floppy disk]; and

means for performing one or more functions on the computer according to the user-customized, text-based script [col. 8, lines 37-49; performing disk format operation and populating the hard drive with all the application programs].

Halladay does not expressly disclose that the provided script files, event log and auto_exec.bat, are text editable. But, a routineer in the art would know that it is well known that autoexec.bat script file or config.sys script file or event log script file is text editable. However, Chrabaszcz et al clearly disclose that a system operator usually modifies the startup configuration of the system by entering appropriate commands and text into the autoexec.bat and config.sys files [col. 2, lines 25-28]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed towards a fast and simple method and system for automatically configuring a computer system and installing application programs. Moreover, by having a text editable installation script, a user will be able to easily modify the installation script in case there is a change in the

Art Unit: 2115

system configuration. If there is a change in the system configuration, such as addition or deletion of hardware(s), previously created installation script will lack the system change and probably fails in booting the system. Thus, it is clearly advantageous to have a text editable installation script that can be modified if needed.

6. As per claim 24, Halladay discloses

providing a user with access to a text-based script [col. 4, lines 21-25; event log script file; col. 8, lines 14-15; auto_exec.bat script file];

booting a computer from a reduced operating system image on a computer readable medium [col. 8, lines 25-37; boot floppy disk]; and

installing a full operating system image on the computer according to the user-customized, text-based script, wherein booting and installing include only one reboot of the computer [col. 7, lines 48-56; col. 8, lines 37-49; restoring the full operating system with all the application programs].

Halladay does not expressly disclose that the provided script files, event log and auto_exec.bat, are text editable. But, a routineer in the art would know that it is well known that autoexec.bat script file or config.sys script file or event log script file is text editable. However,

Art Unit: 2115

Chrabaszcz et al clearly disclose that a system operator usually modifies the startup configuration of the system by entering appropriate commands and text into the autoexec.bat and config.sys files [col. 2, lines 25-28]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed towards a fast and simple method and system for automatically configuring a computer system and installing application programs. Moreover, by having a text editable installation script, a user will be able to easily modify the installation script in case there is a change in the system configuration. If there is a change in the system configuration, such as addition or deletion of hardware(s), previously created installation script will lack the system change and probably fails in booting the system. Thus, it is clearly advantageous to have a text editable installation script that can be modified if needed.

7. As per claim 31, Halladay discloses

a first operating system image with operating system components selected by a user [col. 7, line 63 -- col. 8, line 37; boot floppy disk];

a second operating system image, said first operating system image being reduced relative to said second operating system image [col. 7, lines 11-15, 48-57; full operating system];
and

Art Unit: 2115

a text-based script file which interacts with the first operating system image to install the second operating system image on a computer [col. 4, lines 21-25; event log script file; col. 8, lines 14-15; auto_exec.bat script file; col. 8, lines 37-49; performing disk format operation and populating the hard drive with all the application programs].

Halladay does not expressly disclose that the provided script files, event log and auto_exec.bat, are text editable. But, a routineer in the art would know that it is well known that autoexec.bat script file or config.sys script file or event log script file is text editable. However, Chrabaszcz et al clearly disclose that a system operator usually modifies the startup configuration of the system by entering appropriate commands and text into the autoexec.bat and config.sys files [col. 2, lines 25-28]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed towards a fast and simple method and system for automatically configuring a computer system and installing application programs. Moreover, by having a text editable installation script, a user will be able to easily modify the installation script in case there is a change in the system configuration. If there is a change in the system configuration, such as addition or deletion of hardware(s), previously created installation script will lack the system change and probably fails in booting the system. Thus, it is clearly advantageous to have a text editable installation script that can be modified if needed.

8. As per claim 37, Halladay discloses

a reduced operating system image [col. 8, lines 25-37; boot floppy disk]; and

a text-based script file which interacts with the reduced operating system image to direct recovery from failure of software on the computer [col. 4, lines 21-25; event log script file; col. 8, lines 14-15; auto_exec.bat script file; col. 8, lines 37-49; performing disk format operation and populating the hard drive with all the application programs].

Halladay does not expressly disclose that the provided script files, event log and auto_exec.bat, are text editable. But, a routineer in the art would know that it is well known that autoexec.bat script file or config.sys script file or event log script file is text editable. However, Chrabaszcz et al clearly disclose that a system operator usually modifies the startup configuration of the system by entering appropriate commands and text into the autoexec.bat and config.sys files [col. 2, lines 25-28]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed towards a fast and simple method and system for automatically configuring a computer system and installing application programs. Moreover, by having a text editable installation script, a user will be able to easily modify the installation script in case there is a change in the system configuration. If there is a change in the system configuration, such as addition or deletion of hardware(s), previously created installation script will lack the system change and

Art Unit: 2115

probably fails in booting the system. Thus, it is clearly advantageous to have a text editable installation script that can be modified if needed.

9. As per claims 39 and 46, Halladay discloses

selecting a subset of operating system components from a plurality of operating system components based on a desired functionality to be enabled [col. 7, line 63 -- col. 8, line 19; boot floppy disk is created with the required programs and data];

generating a list of files associated with the selected subset of operating system components [col. 4, lines 21-25; event log; col. 7, line 63 -- col. 8, line 19; auto_exec.bat]; and

installing the selected subset of operating system components on the destination medium as the reduced operating system image [col. 7, line 63 -- col. 8, line 19; boot floppy disk is created with the required programs and data].

Halladay does not expressly disclose that the provided script files, event log and auto_exec.bat, are text editable. But, a routineer in the art would know that it is well known that autoexec.bat script file or config.sys script file or event log script file is text editable. However, Chrabaszcz et al clearly disclose that a system operator usually modifies the startup configuration of the system by entering appropriate commands and text into the autoexec.bat and

Art Unit: 2115

config.sys files [col. 2, lines 25-28]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed towards a fast and simple method and system for automatically configuring a computer system and installing application programs. Moreover, by having a text editable installation script, a user will be able to easily modify the installation script in case there is a change in the system configuration. If there is a change in the system configuration, such as addition or deletion of hardware(s), previously created installation script will lack the system change and probably fails in booting the system. Thus, it is clearly advantageous to have a text editable installation script that can be modified if needed.

10. As per claim 47, Halladay discloses

at least one application program which, when executed by one or more processors on a computer, causes the one or more processors to perform acts including allowing a user to select a set of operating system components from the plurality of operating system components, said selected operating system components being selected to enable a desired functionality [col. 7, line 63 -- col. 8, line 19; boot floppy disk is created with the required programs and data]; and

operating system component modifications which allow the selected set of operating system components to execute as the reduced operating system image [col. 7, line 63 -- col. 8, line 37; boot floppy disk is created which acts as a reduced operating system image].

Halladay does not expressly disclose that the provided script files, event log and auto_exec.bat, are text editable. But, a routineer in the art would know that it is well known that autoexec.bat script file or config.sys script file or event log script file is text editable. However, Chrabaszcz et al clearly disclose that a system operator usually modifies the startup configuration of the system by entering appropriate commands and text into the autoexec.bat and config.sys files [col. 2, lines 25-28]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed towards a fast and simple method and system for automatically configuring a computer system and installing application programs. Moreover, by having a text editable installation script, a user will be able to easily modify the installation script in case there is a change in the system configuration. If there is a change in the system configuration, such as addition or deletion of hardware(s), previously created installation script will lack the system change and probably fails in booting the system. Thus, it is clearly advantageous to have a text editable installation script that can be modified if needed.

11. As per claim 2, Halladay teaches that performing comprises installing another operating system image on the computer [col. 8, lines 41-49; installing the full operating system image].

Art Unit: 2115

12. As per claim 3, Halladay teaches that the computer includes a mass storage device [col. 7, lines 15-18; hard drive].

13. As per claims 4 and 27, Halladay teaches that the computer includes a mass storage device [col. 7, lines 15-18; hard drive] and wherein performing comprises formatting the mass storage device [col. 8, lines 41-45].

14. As per claim 5, Halladay teaches that formatting comprises formatting the mass storage device with a file system in a format supported by the operating system image [col. 8, lines 41-49].

15. As per claims 6 and 26, Halladay teaches that wherein the computer includes hardware and [col. 7, lines 15-18; Hard drive] wherein performing further comprises validating the hardware [col. 7, lines 15-18; Hard drive and therefore the system will validate the hard drive].

16. As per claim 7, Halladay teaches that prior to installing, validating the hardware using protected mode hardware drivers [inherent in the process of installing an operating system].

17. As per claims 8 and 28, Halladay teaches that installing comprises copying one or more files associated with the another operating system image to the computer and integrating the files [inherent in the process of installing an operating system].

Art Unit: 2115

18. As per claims 9 and 29, Halladay teaches that wherein the script identifies a plurality of steps in which the files are copied and integrated and wherein the script identifies the sequence in which the plurality of steps are executed [col. 4, lines 21-25; event log; col. 7, line 63 -- col. 8, line 19; auto_exec.bat].

19. As per claims 10 and 35, Halladay teaches that the computer has a 64-bit architecture [col. 7, lines 11-15; a personal computer].

20. As per claim 11, Halladay teaches that booting and performing are operative on a computer having an architecture of 32-bits or less [col. 7, lines 11-15; a personal computer].

21. As per claims 12 and 13, Halladay discloses the invention substantially. Halladay does not teach expressly about setting a flag and responsive to the set flag, enabling functionality within the operating system image. But, there has to be some sort of flag setting to indicate the operating system of various enabling and disabling certain functionalities. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize flag setting to enable and disable certain functionalities of an operating system according to the customization script.

22. As per claim 14, Halladay teaches that wherein functionality includes loading configuration information into volatile memory [col. 8, lines 14-19; floppy disk].

Art Unit: 2115

23. As per claims 15 and 25, Halladay teaches that the computer readable medium includes the script [col. 8, lines 14-19; boot floppy disk includes an auto_exec.bat file].

24. As per claim 16, Halladay discloses the invention substantially. Halladay does not teach expressly about having the script in remote from the computer readable medium. However, a routineer would know that it is possible to have such an script in a remote computer and through network capability one can download to the local computer. Therefore, it would have been obvious to one of ordinary skill in the art to store the script in a remote computer and this way allowing a number of computers to access the script.

25. As per claim 17, Halladay teaches that performing comprises recovering the computer from failure of software [col. 7, lines 8-11; col. 8, lines 45-49; restoring the system from failure].

26. As per claim 18, Halladay teaches that the software includes an operating system or an application program [col. 7, line 48 -- col. 8, line 49].

27. As per claim 19, Halladay discloses the invention substantially. Halladay does not teach expressly about the computer readable medium is accessible by the computer via a network. However, a routineer in the art would know that this is quite possible and it is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the readable medium accessible by a computer via a network and this way allowing a number of computers to access the script.

28. As per claim 20, Halladay discloses the invention substantially. Halladay does not expressly disclose that the provided script files, event log and auto_exec.bat, are text editable. But, a routineer in the art would know that it is well known that autoexec.bat script file or config.sys script file or event log script file is text editable. However, Chrabaszcz et al clearly disclose that a system operator usually modifies the startup configuration of the system by entering appropriate commands and text into the autoexec.bat and config.sys files [col. 2, lines 25-28]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references as both are directed towards a fast and simple method and system for automatically configuring a computer system and installing application programs. Moreover, by having a text editable installation script, a user will be able to easily modify the installation script in case there is a change in the system configuration. If there is a change in the system configuration, such as addition or deletion of hardware(s), previously created installation script will lack the system change and probably fails in booting the system. Thus, it is clearly advantageous to have a text editable installation script that can be modified if needed.

29. As per claims 21 and 44, Halladay teaches that one or more computer readable media having computer-executable instructions for performing the method recited in claim 1 [col. 7, line 63 -- col. 8, line 19].

Art Unit: 2115

30. As per claims 22 and 45, Halladay teaches that the operating system image on the computer resulting from the computerized method of claim 2 [col. 8, lines 41-49; installing the full operating system image].

31. As per claim 30, Halladay teaches that the computer includes the computer readable medium [col. 7, lines 52-57; floppy disk drive].

32. As per claim 32, Halladay teaches that each of the operating system components comprises at least one file [col. 8, lines 1-20].

33. As per claims 33 and 40, Halladay teaches that the operating system components include hardware drivers [inherent to an operating system to include hardware drivers].

34. As per claim 34, Halladay teaches that the second operating system image includes a plurality of operating system components [inherent to the complete operating system] and wherein the first operating system image includes a subset of the plurality of operating system components [col. 8, lines 1-19; clearly the boot floppy disk cannot include all the components].

35. As per claim 36, Halladay teaches that the script file is operative on a computer having an architecture of 32-bits or less [col. 7, lines 11-15 ; a personal computer].

Art Unit: 2115

36. As per claim 38, Halladay teaches that the software includes another operating system image [col. 7, lines 53-57; col. 8, lines 45-50; full operating system].

37. As per claims 41 and 55, Halladay discloses the invention substantially. Halladay does not teach about creating at least one hive. However, a routineer in the art would know about creation of hive as it is known in the art and it will speed up the process. Therefore, it would have been obvious to one of ordinary skill in the art to utilize the process of creating hives for faster installation process.

38. As per claim 42, Halladay teaches that installing further comprises integrating the files on the destination medium [inherent in the process of installing an operating system].

39. As per claim 43, Halladay teaches that selecting additional operating system components, and wherein installing comprises installing the additional operating system components on the destination medium [col. 7, lines 53-57; col. 8, lines 45-50; full operating system].

40. As per claim 48, Halladay teaches that the system further comprising a text-based script for directing performance of one or more functions by the operating system image [col. 8, lines 37-49; performing disk format operation and populating the hard drive with all the application programs].

41. As per claim 49, Halladay discloses the invention substantially. Halladay does not expressly teach that the functions include installing an operating system on another computer. However, a routineer would know that the backup system could be used with another similar system or a new system having similar configuration. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the disclosed backup system by Halladay to install the complete software backup package on another computer.

42. As per claim 50, Halladay discloses the invention substantially. Halladay does not expressly teach about remotely troubleshooting another computer. However, a routineer in the art would know that it is possible to have such an scripts in a remote computer and through network capability one can download to the local computer and perform the troubleshooting. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use method of customized installation to recover workstation from software failure remotely.

43. As per claim 51, Halladay teaches that the set of operating system components is a subset of the plurality of operating system components [col. 8, lines 1-19; clearly the boot floppy disk cannot include all the components].

Art Unit: 2115

44. As per claim 52, Halladay discloses the invention substantially. Halladay does not expressly teach about allowing the user to add at least one of the additional operating system components to the selected set of operating system components. However, a routineer in the art would know how to add additional operating system components in the base operating system package. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to be able to add additional operating system components.

45. As per claim 53, Halladay teaches that the operating system component modifications include writing state information to volatile memory [col. 8, lines 1-19; floppy disk].

46. As per claim 54, Halladay teaches that the application program, when executed, further causes the one or more processors to perform acts including generating the operating system image [inherent to the system as Halladay teaches how to restore a complete system].

47. As per claim 56, Halladay teaches that the means for editing comprises an application program [well known edit program or a note pad].

Response to Arguments

48. Applicant's arguments with respect to claims 1-56 have been considered but are moot in view of the new ground(s) of rejection.

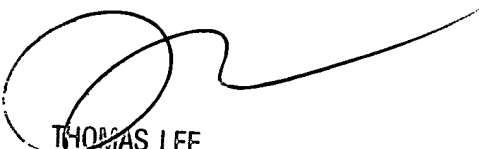
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K Suryawanshi whose telephone number is 571-272-3668. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sks
March 30, 2005


THOMAS LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100